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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/825,585	04/01/1997	TAKEHIRO YOSHIDA	35.C10516-CO	1146

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EXAMINER	
ENG, GEORGE	

ART UNIT	PAPER NUMBER
2643	49

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/825,585	YOSHIDA, TAKEHIRO	
	Examiner	Art Unit	
	George Eng	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6 and 11-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6 and 11-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. This office action is in response to amendment filed 4/15/2003 (paper no. 48).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-6 and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno (US PAT. 5,661,568) in view of Kinoshita et al. (US PAT. 5,216,517 hereinafter Kinoshita).

Regarding claim 1, Ueno discloses a data communication apparatus, i.e., a modem, adapted to execute a plurality kinds of facsimile protocol comprising a detection circuit for detecting a call signal, i.e., ID information for identifying a communication apparatus, at a calling station before start of communication with the communication apparatus (col. 4 lines 51-57), a communication circuit (111) adapted to communicate with the calling station (col. 4 lines 50-57), a memory (105) for storing communication information (col. 5 lines 6-17), a control circuit for reading the communication information in order to select one of the first and second communications protocols (col. 5 lines 30-57). Ueno differs from the claimed invention in not

specifically teaching to store ID information detected by the detector circuit and a facsimile protocol used for communication with the calling station conducted through the communication circuit in order to start a facsimile protocol stored in a memory at a called station corresponding to the ID information detected by the detector circuit after having made a response to the call. However, Kinoshita teaches a communication terminal apparatus capable of automatically selecting different communication protocols in correspondence with a caller identification information in order to make more flexible and efficient utilization of the communication terminal apparatus (col. 14 line 45 through col. 17 line 16). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno in storing the protocol in associated with the ID information of the calling station so that the control circuit adapted to start the facsimile protocol corresponding to the ID information detected by the detector circuit is stored in the memory, as per teaching of Kinoshita, because it makes more flexible and efficient utilization of the communication terminal apparatus.

Regarding claims 2-3, Kinoshita discloses a registration circuit (64, figure 5) for registering the ID information of a calling station and the communication protocol in accordance with an instruction from a user, wherein the ID information for identifying the calling station is telephone number information and the communication protocol executed corresponding to the telephone number is registered when the telephone number information designated upon an occasion of issuing a call is registered by the registration circuit (col. 15 line 4 through col. 17 line 2).

Regarding claim 4, Ueno teaches a data communication apparatus is capable of changing with different type of modems (figure 1 and col. 5 line 18 through col. 9 line 22).

Regarding claim 5, Ueno teaches the facsimile protocol including V.21 and V.29 (figure 1). Ueno differs from the claimed invention in not including V.8 and V.34, the particular of protocol used is merely a matter of design option such that V.34 is the international standard for dial up modems of up to 28,800 bits per second and V.8 is a way V.34 modems negotiate connection features and option. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno using V.8 and V.34 in the communication apparatus because it makes compatible with different protocols so that it can be widely used to communicate with other apparatus in different protocols.

Regarding claim 6, the limitations of the claim are rejected as the same reasons set forth in claim 1.

Regarding claim 11, Ueno discloses a communication apparatus having a plurality of modems comprising receiving means for receiving ID information at a calling station before a start of communication of protocol signal relating to image communication on the occasion of reception a call (col. 5 lines 6-17), control means for conducting communication because on an image communication protocol corresponding to the ID information received by the receiving means (col. 5 lines 43-57). Ueno differs from the claimed invention in not specifically teaching the receive circuit for receiving ID of the calling station on the occasion of reception of the call and the control circuit adapted to conduct communication base on image communication protocol to the ID information received by the receiver circuit or to conduct communication to determine an image communication protocol to be used according to whether or not the ID information is received by the receiver circuit. However, Kinoshita teaches a communication terminal apparatus capable of automatically selecting different communication protocols in

correspondence with a caller identification information in order to make more flexible and efficient utilization of the communication terminal apparatus (col. 14 line 45 through col. 17 line 16). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Ueno in receiving the ID information of the calling station so that the control circuit adapted to start the facsimile protocol corresponding to the ID information detected by the detector circuit is stored in the memory, as per teaching of Kinoshita, because it makes more flexible and efficient utilization of the communication terminal apparatus.

Regarding claim 12, Kinoshita discloses the ID information is received between receiving successive calling signal (col. 14 lines 52-61).

Regarding claim 13, Kinoshita teaches a memory for storing a communication protocol that the respective calling stations can utilize, wherein the control circuit selects at least one protocol based on the ID information received by the receiver circuit and ID information stored in the memory (col. 14 lines 1-44).

Regarding claim 17, the limitations of the claim are rejected as the same reasons set forth in claims 2-3.

Regarding claim 18, the limitations of the claim are rejected as the same reasons set forth in claim 11.

4. Claims 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ueno (US PAT. 5,661,568) in view of Kinoshita et al. (US PAT. 5,216,517 hereinafter Kinoshita) as applied in claim 13 above and further in view of Kawaguchi (US PAT. 5,303,066).

Regarding claims 14-16, the combination of Ueno and Kinoshita differs from the claimed invention in not specifically teaching that an updating circuit to update the communication protocols stored in the memory including a counter adapted to count a predetermined time of communication performed, wherein the updating circuit updates the respective communication protocol for each communication apparatus when the counter has counted the predetermined time. However, Kawaguchi teaches means for updating a management table, i.e., updating circuit, capable of updating the respective communication protocol for each communication apparatus based on history updated information (col. 14 lines 6-66). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of Ueno and Kinoshita in having the updating circuit, as per teaching of Kawaguchi, in order to determine an optimum protocol to be used for a communication between the transmitting unit and the receiving unit based on history updated information.

Response to Arguments

5. Applicant's arguments with respect to claims 1-6 and 11-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kasuga (JP 05075820A) discloses a method to provide a simplified facsimile communication method to reduce usage charge and to improve transmission efficiency (figure 2 and abstract).

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any response to this final action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is (703) 308-9555. The examiner can normally be reached on Tuesday to Friday from 7 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

George Eng

GEORGE ENG
Art Unit 2643